

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Minimum Wage Law is amended by changing
5 Section 4a as follows:

6 (820 ILCS 105/4a) (from Ch. 48, par. 1004a)

7 Sec. 4a. (1) Except as otherwise provided in this Section,
8 no employer shall employ any of his employees for a workweek of
9 more than 40 hours unless such employee receives compensation
10 for his employment in excess of the hours above specified at a
11 rate not less than 1 1/2 times the regular rate at which he is
12 employed.

13 (2) The provisions of subsection (1) of this Section are
14 not applicable to:

15 A. Any salesman or mechanic primarily engaged in
16 selling or servicing automobiles, trucks or farm
17 implements, if he is employed by a nonmanufacturing
18 establishment primarily engaged in the business of selling
19 such vehicles or implements to ultimate purchasers.

20 B. Any salesman primarily engaged in selling trailers,
21 boats, or aircraft, if he is employed by a nonmanufacturing
22 establishment primarily engaged in the business of selling
23 trailers, boats, or aircraft to ultimate purchasers.

24 C. Any employer of agricultural labor, with respect to
25 such agricultural employment.

26 D. Any employee of a governmental body excluded from
27 the definition of "employee" under paragraph (e) (2) (C) of
28 Section 3 of the Federal Fair Labor Standards Act of 1938.
29 ~~Any governmental body.~~

30 E. Any employee employed in a bona fide executive,
31 administrative or professional capacity, including any
32 radio or television announcer, news editor, or chief

1 engineer, as defined by or covered by the Federal Fair
2 Labor Standards Act of 1938 and the rules adopted under
3 that Act, as both exist on March 30, 2003, but compensated
4 at the amount of salary specified in subsections (a) and
5 (b) of Section 541.600 of Title 29 of the Code of Federal
6 Regulations as proposed in the Federal Register on March
7 31, 2003 or a greater amount of salary as may be adopted by
8 the United States Department of Labor, ~~as now or hereafter~~
9 ~~amended~~. For bona fide executive, administrative, and
10 professional employees of not-for-profit corporations, the
11 Director may, by regulation, adopt a weekly wage rate
12 standard lower than that provided for executive,
13 administrative, and professional employees covered under
14 the Fair Labor Standards Act of 1938, as now or hereafter
15 amended.

16 F. Any commissioned employee as described in paragraph
17 (i) of Section 7 of the Federal Fair Labor Standards Act of
18 1938 and rules and regulations promulgated thereunder, as
19 now or hereafter amended.

20 G. Any employment of an employee in the stead of
21 another employee of the same employer pursuant to a
22 worktime exchange agreement between employees.

23 H. Any employee of a not-for-profit educational or
24 residential child care institution who (a) on a daily basis
25 is directly involved in educating or caring for children
26 who (1) are orphans, foster children, abused, neglected or
27 abandoned children, or are otherwise homeless children and
28 (2) reside in residential facilities of the institution and
29 (b) is compensated at an annual rate of not less than
30 \$13,000 or, if the employee resides in such facilities and
31 receives without cost board and lodging from such
32 institution, not less than \$10,000.

33 I. Any employee employed as a crew member of any
34 uninspected towing vessel, as defined by Section 2101(40)
35 of Title 46 of the United States Code, operating in any
36 navigable waters in or along the boundaries of the State of

1 Illinois.

2 (3) Any employer may employ any employee for a period or
3 periods of not more than 10 hours in the aggregate in any
4 workweek in excess of the maximum hours specified in subsection
5 (1) of this Section without paying the compensation for
6 overtime employment prescribed in subsection (1) if during that
7 period or periods the employee is receiving remedial education
8 that:

9 (a) is provided to employees who lack a high school
10 diploma or educational attainment at the eighth grade
11 level;

12 (b) is designed to provide reading and other basic
13 skills at an eighth grade level or below; and

14 (c) does not include job specific training.

15 (4) A governmental body is not in violation of subsection
16 (1) if the governmental body provides compensatory time
17 pursuant to paragraph (o) of Section 7 of the Federal Fair
18 Labor Standards Act of 1938, as now or hereafter amended, or is
19 engaged in fire protection or law enforcement activities and
20 meets the requirements of paragraph (k) of Section 7 or
21 paragraph (b)(20) of Section 13 of the Federal Fair Labor
22 Standards Act of 1938, as now or hereafter amended.

23 (Source: P.A. 92-623, eff. 7-11-02.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.